

Exhibit C

Quiroz Docket

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:10-cv-02485-KAM-JMA**

Quiroz et al v. U.S. Bank National Association et al
Assigned to: Judge Kiyo A. Matsumoto
Referred to: Magistrate Judge Joan M. Azrack
Cause: 28:1331 Fed. Question

Date Filed: 06/01/2010
Date Terminated: 08/09/2011
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Ramon Quiroz

represented by **Ramon Quiroz**
89-37 Metropolitan Avenue
Rego Park, NY 11374
718-255-5783
PRO SE

Plaintiff

Helen Quiroz

represented by **Helen Quiroz**
89-37 Metropolitan Avenue
Rego Park, NY 11374
718-255-5783
PRO SE

Plaintiff

Jessica Angel Quiroz

represented by **Jessica Angel Quiroz**
89-37 Metropolitan Avenue
Rego Park, NY 11374
718-255-5783
PRO SE

V.

Defendant

U.S. Bank National Association
as Trustee

represented by **Robert Guttman**
Zeichner Ellman & Krause LLP
575 Lexington Avenue
10th Floor
New York, NY 10022
212-223-0400
Fax: 212-753-0396
Email: rguttman@zeklaw.com
ATTORNEY TO BE NOTICED

Defendant

New Century Mortgage Corp.

Defendant

Homecomings Financial
also known as
Homecomings Financial GMAC
Mortgages

represented by **Robert Guttman**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steven J. Baum, P.C.

represented by **Amy E. Polowy**
Steven J. Baum, P.C.
220 Northpointe Parkway, Suite G

Buffalo, NY 14228
716-204-2412
Fax: 716-204-4612
ATTORNEY TO BE NOTICED

Natalie Ann Grigg
Steven J. Baum, P.C.
220 Northpointe Parkway
Suite G
Buffalo, NY 14228
716-650-2250
Fax: 716-650-2350
Email: natalie-grigg@mbaum.com
ATTORNEY TO BE NOTICED

Defendant

GMAC Mortgages

*Presidents, Official Partners, and / or
Shareholders, Investors, Mortgage
Brokers, Appraisals, Staff Officers,
Officials*

represented by **Robert Guttman**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/01/2010	<u>1</u>	COMPLAINT against Homecomings Financial GMAC Mortgages, New Century Mortgage Corp., Steven J. Baum, P.C., U.S. Bank National Association Disclosure Statement on Civil Cover Sheet completed –no., filed by Ramon Quiroz, Jessica Angel Quiroz, Helen Quiroz. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 06/01/2010)
06/01/2010		Summons Issued as to Homecomings Financial GMAC Mortgages, New Century Mortgage Corp., Steven J. Baum, P.C., U.S. Bank National Association. (Bowens, Priscilla) (Entered: 06/01/2010)
06/01/2010	<u>2</u>	FILING FEE: \$ 350, receipt number 4653015569; filed by Ramon Quiroz,dated 6/1/2010. (Bowens, Priscilla) (Entered: 06/01/2010)
06/10/2010	<u>3</u>	ORDER: Enclosed is a copy of the "Individual Rules of Magistrate Judge Joan M. Azrack." Plaintiffs are to provide a copy of this Order and the enclosed rules to each of the defendants, along with the summonses and copies of the Complaint. Accordingly, if service is not made upon defendants by 9/29/2010 or plaintiffs fail to show good cause why such service has not been effected, I will recommend that the Court dismiss this action without prejudice. Plaintiffs are required to advise the Clerk of Court of any change of address. For information regarding court procedures, plaintiffs may contact the Pro Se Office at the United States Courthouse by calling (718) 613-2665. SO ORDERED. Ordered by Magistrate Judge Joan M. Azrack, on 6/10/2010. C/mailed w/Attachment: # <u>1</u> Individual Rules of Magistrate Judge Joan M. Azrack. (Latka-Mucha, Wieslawa) (Entered: 06/11/2010)
06/23/2010	<u>4</u>	MOTION to Appoint Counsel; filed by Ramon Quiroz, dated 6/21/2010. W/Attachments: # <u>1</u> Affirmation of Service. (Latka-Mucha, Wieslawa) (Entered: 06/23/2010)
07/22/2010	<u>5</u>	"MOTION to Compel <i>Discovery, Under 22NYCRR202.7(B)</i> " filed by Helen Quiroz, Ramon Quiroz. W/Attachments: # <u>1</u> Exhibits A – B, # <u>2</u> Certificate of Service dated 7/19/2010. (Latka-Mucha, Wieslawa) (Entered: 07/23/2010)
07/26/2010		ORDER REFERRING MOTION: Doc. No. <u>4</u> , MOTION to Appoint Counsel. Plaintiff's motion to appoint counsel is respectfully referred to Magistrate Judge Azrack. So Ordered by Judge Kiyo A. Matsumoto on 7/26/2010. Motions referred to the Hon. Joan M. Azrack. (copy mailed to plaintiff) (Kabrawala, Ameet) (Entered: 07/26/2010)

08/03/2010	<u>6</u>	Letter / AFFIDAVIT of Service re: the Court's 6/10/10 Order, Individual Rules of Magistrate Judge Joan M. Azrack, Summons and Complaint served upon Defendants; filed by <i>pro se</i> Ramon Quiroz. (<i>Received in envelope postmarked 8/2/10</i>) (Latka-Mucha, Wieslawa) (Entered: 08/04/2010)
08/09/2010	<u>8</u>	CERTIFICATE OF SERVICE on behalf of Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz served on defendants on 8/5/10. (Manuel, Germaine) (Entered: 08/11/2010)
08/10/2010	<u>7</u>	ORDER: Plaintiffs' service on defendants' attorney does not constitute proper service. As previously ordered, plaintiffs have until 9/29/2010 to properly serve defendants. Plaintiffs are reminded that if they fail to effect service by 9/29/2010, I will recommend to the District Judge that their case be dismissed for failure to prosecute pursuant to Rule 4(m). Plaintiffs' <u>4</u> motion to appoint counsel and <u>5</u> motion to compel discovery shall be held in abeyance pending service on defendants. Once plaintiffs properly effect service, the Court shall schedule an initial hearing. For information regarding court procedures, plaintiff may contact the Pro Se Office at the United States Courthouse by calling (718) 613-2665. The Clerk of the Court is directed to mail a hard copy of this Order to the plaintiff. SO ORDERED. (Ordered by Magistrate Judge Joan M. Azrack, on 8/10/2010) <i>C/mailed.</i> (Latka-Mucha, Wieslawa) (Entered: 08/10/2010)
08/16/2010	<u>2</u>	Summons and Complaint Issued by Ramon Quiroz as to Homecomings Financial GMAC Mortgages, Steven J. Baum, P.C., U.S. Bank National Association. (Manuel, Germaine) (Entered: 08/16/2010)
08/19/2010	<u>10</u>	ORDER: As previously ordered, plaintiffs have until 9/29/2010 to properly serve defendants. As mentioned in my prior Order on 8/10/2010, plaintiffs' <u>4</u> motion to appoint counsel and <u>5</u> motion to compel discovery shall be held in abeyance pending service on all defendants. For information regarding court procedures, plaintiff may contact the Pro Se Office at the United States Courthouse by calling (718) 613-2665. The Clerk of the Court is directed to mail a hard copy of this Order to the plaintiff. SO ORDERED. (Ordered by Magistrate Judge Joan M. Azrack, on 8/19/2010) <i>C/mailed to plaintiffs.</i> (Latka-Mucha, Wieslawa) (Entered: 08/20/2010)
08/20/2010	<u>11</u>	AFFIDAVIT / Certificate of Service upon Defendants; filed by Fernando Quiroz on behalf of plaintiffs, dated 8/18/2010. (Latka-Mucha, Wieslawa) (Entered: 08/24/2010)
08/23/2010	<u>12</u>	AFFIDAVIT / Certificate of Service re: Summons and Complaint served upon U.S. Bank National Association as Trustee; filed by Fernando Quiroz on behalf of plaintiffs, dated 8/19/2010. (Latka-Mucha, Wieslawa) (Entered: 08/24/2010)
08/31/2010	<u>17</u>	"Proof of Service by Mail and Acknowledgment of Receipt of Summons and Complaint by the Defendant & Notice of Motion in Format_Under 22NYCR202.7(B) VERIFICATION & DISCOVERY, and the Order of the Judge Under Rule 4(m)" / SUMMONS RETURNED EXECUTED by <i>pro se</i> Ramon Quiroz on behalf of Plaintiffs. Defendants served on 8/24/2010, answer due 9/14/2010. (Latka-Mucha, Wieslawa) (Entered: 09/02/2010)
09/01/2010	<u>13</u>	Corporate Disclosure Statement by Steven J. Baum, P.C. (Polowy, Amy) (Entered: 09/01/2010)
09/01/2010	<u>14</u>	First MOTION for pre motion conference by Steven J. Baum, P.C.. (Polowy, Amy) (Entered: 09/01/2010)
09/01/2010	<u>15</u>	CERTIFICATE OF SERVICE by Steven J. Baum, P.C. re <u>13</u> Corporate Disclosure Statement (Polowy, Amy) (Entered: 09/01/2010)
09/01/2010	<u>16</u>	CERTIFICATE OF SERVICE by Steven J. Baum, P.C. re <u>14</u> First MOTION for pre motion conference (Polowy, Amy) (Entered: 09/01/2010)
09/01/2010		ORDER denying <u>14</u> , Letter Motion for a Pre-Motion Conference, dated 9/1/10. The request for a pre-motion conference is denied without prejudice as premature pending plaintiffs' compliance with Magistrate Judge Azrack's 6/10/10, 8/10/10 and 08/19/10 orders regarding service of the Summons and Complaint upon all defendants. Any anticipated motions to dismiss are respectfully referred to

		Magistrate Judge Azrack for a report and recommendation. Movant's counsel shall serve a copy of this electronic order upon plaintiffs and file proof of service by 9/7/10. So Ordered by Judge Kiyo A. Matsumoto on 9/1/2010. (Kabrawala, Ameet) (Entered: 09/01/2010)
09/03/2010	<u>18</u>	CERTIFICATE OF SERVICE by Steven J. Baum, P.C. re Order on Motion for Pre Motion Conference,, (Polowy, Amy) (Entered: 09/03/2010)
09/07/2010	<u>19</u>	Letter to Magistrate Judge Azrack requesting leave to make motion to dismiss by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association (Finneran, BJ) (Entered: 09/07/2010)
09/07/2010	<u>20</u>	Corporate Disclosure Statement by GMAC Mortgages (Finneran, BJ) (Entered: 09/07/2010)
09/07/2010	<u>21</u>	Corporate Disclosure Statement by U.S. Bank National Association (Finneran, BJ) (Entered: 09/07/2010)
09/07/2010	<u>22</u>	Corporate Disclosure Statement by Homecomings Financial (Finneran, BJ) (Entered: 09/07/2010)
09/08/2010	<u>23</u>	CERTIFICATE OF SERVICE by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association re <u>19</u> Letter requesting pre-motion conference (Finneran, BJ) (Entered: 09/08/2010)
09/08/2010	<u>24</u>	REPLY re <u>14</u> defendant's First MOTION for pre motion conference, filed by Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz. Plaintiffs respectfully request Magistrate Judge Joan Azrack to appoint counsel before any decision by this Court is ordered. Defendants' request for a pre-motion conference to dismiss should be pending upon appointment of counsel for plaintiffs in order that the complaint be amended, and a trial on the merits be conducted in the court of law. (Manuel, Germaine) (Entered: 09/08/2010)
09/14/2010	<u>25</u>	Second MOTION for pre motion conference to Judge Joan M. Azrack by Steven J. Baum, P.C.. (Attachments: # <u>1</u> Certificate of Service on Pro Se Plaintiffs) (Grigg, Natalie) (Entered: 09/14/2010)
09/14/2010		ORDER denying <u>25</u> Motion for Pre Motion Conference, but granting leave to file a motion to dismiss: the defendants, having set forth the reasons for filing a motion to dismiss [14, 25], hereby have leave to file the motion. The briefing schedule is as follows: defendants' Service of Notice of Motion due 9/28/10, plaintiffs' response due 10/19/10; defendants' reply due 11/2/10. Defendants are directed to serve a copy of this Order on plaintiff and ECF file a certificate of service. Ordered by Magistrate Judge Joan M. Azrack on 9/14/2010. (Docherty, Kerry) (Entered: 09/14/2010)
09/14/2010	<u>26</u>	CERTIFICATE OF SERVICE by Steven J. Baum, P.C. re Order on Motion for Pre Motion Conference,, on pro se plaintiffs (Grigg, Natalie) (Entered: 09/14/2010)
09/15/2010	<u>28</u>	CERTIFICATE OF SERVICE by Fernando Quiroz, on behalf of Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz. (Manuel, Germaine) (Entered: 09/16/2010)
09/16/2010	<u>27</u>	REPORT AND RECOMMENDATIONS that the motion for the appointment of counsel be denied. (Objections to RRdue by 10/4/2010). The Clerk of the Court is directed to mail a hard copy of this Order to the pltf. c/m (Greene, Donna) (Entered: 09/16/2010)
09/16/2010	<u>29</u>	Letter dated 9/16/10 from Ramon Quiroz to Hon. Kiyo A. Matsumoto requesting a hearing day for trial or a pre-motion conference, "in order for the defendants to compel discovery, and from the plaintiffs' allegations in their complaint, so they may present witnesses, and defendants and the brokers that caused the predatory lending practices, appraisal fraud, and the violation of the Fed. R. of Civ. Pr. and in violation of the Truth in Lending Act." Notarized Verification and Certificate of Service are attached. (Manuel, Germaine) (Entered: 09/16/2010)
09/20/2010	<u>30</u>	AFFIDAVIT of Service for letter dated September 15, 2010 of Robert Guttman enclosing order from Judge Azrack (dated September 14, 2010) regarding pre-motion conference served on Ramon Quiroz, Helen Quiroz and Jessica Angel

		Quiroz by first class mail on September 15, 2010, filed by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Van Roy, Jantra) (Entered: 09/20/2010)
09/20/2010		ORDER re <u>29</u> Plaintiffs' Letter Requesting a Hearing Day for Trial or a Pre-Motion Conference to Compel Discovery. Plaintiffs' request for a hearing day for trial is denied without prejudice in light of Defendants' anticipated motion to dismiss, which has been referred to Magistrate Judge Azrack for a report and recommendation. Plaintiffs' request for a pre-motion conference to compel discovery is respectfully referred to Magistrate Judge Azrack. Defendants are directed to serve a copy of this Order on Plaintiffs and file a certificate of service via ECF by 9/21/2010. So Ordered by Judge Kiyoo A. Matsumoto on 9/20/2010. (Iguina, Carmen) (Entered: 09/20/2010)
09/20/2010	<u>31</u>	CERTIFICATE OF SERVICE by Fernando Quiroz, on behalf of plaintiffs Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz. Delivered to Steven J. Baum. (Manuel, Germaine) (Entered: 09/21/2010)
09/22/2010		ORDER: Plaintiffs' second request for a pre-motion conference to present witnesses and compel discovery is hereby DENIED. Plaintiffs are not entitled to discovery beyond the pleadings pending defendants' motion to dismiss. <u>See Norex Petroleum Ltd. v. Access Industries, Inc.</u> , 2003 WL 1484269, at *1 (S.D.N.Y. March 21, 2003) (finding that "plaintiff was not entitled to limited discovery... which it allegedly needed to oppose a motion to dismiss on the ground of res judicata"). Should the Court deny defendants' motion to dismiss, the Court will calendar an initial conference to set forth a discovery schedule. No more requests for a pre-motion conference will be entertained. The Clerk of the Court is directed to mail a copy of this Order to plaintiffs. Ordered by Magistrate Judge Joan M. Azrack on 9/22/2010. (Docherty, Kerry) (Entered: 09/22/2010)
09/22/2010	<u>32</u>	CERTIFICATE OF SERVICE by Steven J. Baum, P.C. re Order,, <i>dated September 20, 2010</i> (Polowy, Amy) (Entered: 09/22/2010)
09/28/2010	<u>33</u>	Letter <i>Enclosing Rule 12 Motion to Dismiss Complaint</i> by Steven J. Baum, P.C. (Polowy, Amy) (Entered: 09/28/2010)
09/28/2010	<u>34</u>	Notice of MOTION to Dismiss by Steven J. Baum, P.C.. Responses due by 10/19/2010 (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A – EDNY Summons and Complaint, # <u>3</u> Exhibit B – State Court FC complaint, # <u>4</u> Exhibit C – Judgment of Foreclosure and Sale, # <u>5</u> Exhibit D – Reply Affidavit of R Quiroz dated 07/15/08, # <u>6</u> Exhibit E – Part 1 Quiroz's Summons and Complaint, # <u>7</u> Exhibit E – Part 2 Quiroz's Summons and Complaint, # <u>8</u> Exhibit E – Part 3 Quiroz's Summons and Complaint, # <u>9</u> Exhibit F – Order of Judge Siegal, # <u>10</u> Memorandum in Support, # <u>11</u> Certificate of Service) (Polowy, Amy) (Entered: 09/28/2010)
09/28/2010	<u>35</u>	NOTICE by Steven J. Baum, P.C. re <u>34</u> Notice of MOTION to Dismiss <i>to Pro Se Litigant who Opposes a Rule 12 Motion supported by matters outside the pleadings</i> (Polowy, Amy) (Entered: 09/28/2010)
10/13/2010	<u>36</u>	Certificate of Service / AFFIDAVIT of Service re: Notice of Motion to Dismiss Responsive Pleadings served upon Amy E. Polowy, Esq. on 10/13/2010; filed by Fernando Quiroz on behalf of Plaintiffs, dated 10/13/2010. (Latka-Mucha, Wieslawa) (Entered: 10/18/2010)
11/02/2010	<u>37</u>	RESPONSE in Opposition re <u>34</u> Notice of MOTION to Dismiss <i>by Defendant Steven J. Baum, P.C.</i> filed by Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz. (Attachments: # <u>1</u> Exhibit Ex A, # <u>2</u> Exhibit Ex B, # <u>3</u> Exhibit Ex C, # <u>4</u> Exhibit Ex D, # <u>5</u> Exhibit Ex E, # <u>6</u> Exhibit Ex F, # <u>7</u> Exhibit Ex G, # <u>8</u> Exhibit Ex H, # <u>9</u> Exhibit Ex I, # <u>10</u> Exhibit Ex J, # <u>11</u> Exhibit Ex K, # <u>12</u> Exhibit Ex 1, # <u>13</u> Exhibit Ex 3, # <u>14</u> Certificate of Service) (Polowy, Amy) (Entered: 11/02/2010)
11/02/2010	<u>38</u>	REPLY in Support re <u>34</u> Notice of MOTION to Dismiss filed by Steven J. Baum, P.C.. (Attachments: # <u>1</u> Certificate of Service) (Polowy, Amy) (Entered: 11/02/2010)
11/02/2010	<u>39</u>	Letter <i>Enclosing fully briefed Motion to Dismiss to Judge Azrack</i> by Steven J. Baum, P.C. (Polowy, Amy) (Entered: 11/02/2010)

11/02/2010	<u>40</u>	MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Attachments: # <u>1</u> Notice Pursuant to Local Civil Rule 12.1, # <u>2</u> Declaration of Robert M. Guttmann, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Affidavit of Service) (Guttmann, Robert) (Entered: 11/02/2010)
11/02/2010	<u>41</u>	MEMORANDUM in Support re <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> filed by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Guttmann, Robert) (Entered: 11/02/2010)
11/02/2010	<u>42</u>	REPLY in Support re <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P. /Reply Memorandum of law</i> filed by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Guttmann, Robert) (Entered: 11/02/2010)
11/02/2010	<u>43</u>	Letter to Magistrate Judge Azrack regarding <i>Lender Defendants' motion to dismiss plaintiffs' complaint</i> by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association (Guttmann, Robert) (Entered: 11/02/2010)
12/14/2010	<u>44</u>	ORDER re <u>27</u> REPORT AND RECOMMENDATIONS re <u>4</u> MOTION to Appoint Counsel. For the reasons set forth in the attached order, the court will treat <u>27</u> REPORT AND RECOMMENDATIONS issued by Judge Azrack as a Magistrate Judge order subject to "clear error" review. Plaintiffs shall file any objections to Judge Azrack's decision denying without prejudice their motion to appoint counsel within seventeen (17) days of the date of this order. Counsel for defendant U.S. Bank, N.A. is directed to serve a copy of this order on plaintiffs and file a certificate of service on ECF no later than close of business on 12/15/10. So Ordered by Judge Kiyo A. Matsumoto on 12/14/2010. (Iguina, Carmen) (Entered: 12/14/2010)
12/15/2010	<u>45</u>	AFFIDAVIT of Service for Order of Judge Matsumoto dated December 14, 2010 <i>Docket No. 44</i> served on Ramon Quiroz, Helen Quiroz and Jessica A. Quiroz by first class mail on 12/15/10, filed by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Guttmann, Robert) (Entered: 12/15/2010)
12/30/2010	<u>46</u>	OBJECTION to <u>27</u> Report and Recommendation; filed by <i>pro se</i> Helen Quiroz, Jessica Quiroz & Ramon Quiroz, dated 12/30/2010. (Latka-Mucha, Wieslawa) (Entered: 12/30/2010)
12/30/2010	<u>47</u>	AFFIDAVIT of Service re: <u>46</u> Objection to Report and Recommendation served upon Defendants' attorneys: Robert Guttmann, Esq. & Natalie Ann Grigg, Esq. – on 12/30/2010; filed by Fernando Quiroz on behalf of Plaintiffs. (Latka-Mucha, Wieslawa) (Entered: 01/06/2011)
03/04/2011	<u>48</u>	AMENDED OBJECTION To <u>27</u> Report And Recommendation By Magistrate Judge Azrack To Deny Counsel; filed by <i>pro se</i> Ramon Quiroz, Helen Quiroz and Jessica Angel Quiroz, dated 3/4/2011. W/Attachments: # <u>1</u> Affirmation of Service. (Latka-Mucha, Wieslawa) (Entered: 03/07/2011)
03/07/2011	<u>49</u>	AFFIDAVIT of Service re: Plaintiffs' <u>48</u> Amended Objection To Report And Recommendation, served on 3/4/2011; filed by <i>pro se</i> Ramon Quiroz, dated 3/4/2011. (Latka-Mucha, Wieslawa) (Entered: 03/09/2011)
05/16/2011	<u>50</u>	REPORT AND RECOMMENDATIONS re <u>34</u> MOTION to Dismiss filed by Steven J. Baum, P.C., <u>40</u> MOTION to Dismiss filed by Homecomings Financial, GMAC Mortgages, U.S. Bank National Association: For the reasons explained in the attached report and recommendation, I respectfully recommend that defendants' motions to dismiss be granted. Defendant USBNA is hereby ordered to serve a copy of this report and recommendation on plaintiffs and to promptly file proof of service by ECF. Any objections to this report and recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of the date of receipt of this report and recommendation. Failure to file objections within the specified time waives the right to appeal the District Courts order. <u>See</u> 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 72. Ordered by Magistrate Judge Joan M. Azrack on 5/16/2011. (Palfreyman, Brendan) (Entered: 05/16/2011)

05/18/2011	<u>51</u>	CERTIFICATE OF SERVICE by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association re <u>50</u> REPORT AND RECOMMENDATIONS re <u>34</u> Notice of MOTION to Dismiss filed by Steven J. Baum, P.C., <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> filed by Homecomings Financial, GMAC Mortgages, U.S. Bank National Association re <u>34</u> Notice of MOTION to Dismiss filed by Steven J. Baum, P.C., <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> filed by Homecomings Financial, GMAC Mortgages, U.S. Bank National Association re <u>34</u> Notice of MOTION to Dismiss filed by Steven J. Baum, P.C., <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> filed by Homecomings Financial, GMAC Mortgages, U.S. Bank National Association re <u>34</u> Notice of MOTION to Dismiss filed by Steven J. Baum, P.C., <u>40</u> MOTION to Dismiss <i>Plaintiffs' complaint pursuant to Rule 12 of the F.R.C.P.</i> filed by Homecomings Financial, GMAC Mortgages, U.S. Bank National Association (Guttmann, Robert) (Entered: 05/18/2011)
05/25/2011	<u>52</u>	OBJECTION to <u>50</u> Report and Recommendation; filed by <i>pro se</i> Jessica Angel Quiroz, Helen Quiroz, and Ramon Quiroz, dated 5/23/2011. (Latka-Mucha, Wieslawa) (Entered: 05/26/2011)
05/26/2011	<u>53</u>	CERTIFICATE OF SERVICE upon Attorneys for Defendants: Robert Guttmann, Esq.; Amy E. Polowy, Esq. re: Plaintiffs' <u>52</u> Objection to Report and Recommendation – filed by <i>pro se</i> Ramon Quiroz, dated 5/23/2011. (Latka-Mucha, Wieslawa) (Entered: 06/02/2011)
06/10/2011	<u>54</u>	MEMORANDUM in Opposition to <i>Plaintiffs' objection to Magistrate Judge Azrack's report and recommendation that plaintiffs' complaint be dismissed</i> filed by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association. (Guttmann, Robert) (Entered: 06/10/2011)
06/14/2011	<u>55</u>	CERTIFICATE OF SERVICE by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association re <u>54</u> Memorandum in Opposition, <i>served by first class mail on June 10, 2011.</i> (Guttmann, Robert) (Entered: 06/14/2011)
06/21/2011	<u>56</u>	ORDER ON APPEAL OF <u>27</u> MAGISTRATE JUDGE DECISION. For the reasons set out in the attached Memorandum & Order, plaintiffs' objections to Judge Azrack's 9/13/2010 Order are overruled and the order denying the appointment of counsel without prejudice to renew after adjudication of defendants' motions to dismiss is affirmed. Defendants' counsel is directed to serve a copy of this Order on plaintiffs and file a Certificate of Service by ECF no later than 6/23/2011. Ordered by Judge Kiyo A. Matsumoto on 6/21/2011. (Iguina, Carmen) (Entered: 06/21/2011)
06/22/2011	<u>57</u>	CERTIFICATE OF SERVICE by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association re <u>56</u> Order., (<i>service by mail on 6/21/11</i>) (Guttmann, Robert) (Entered: 06/22/2011)
07/06/2011	<u>58</u>	Reply MEMORANDUM In Opposition; filed by <i>pro se</i> Ramon Quiroz, Jessica Angel Quiroz, and Helen Quiroz – dated 6/30/2011. (Latka-Mucha, Wieslawa) (Entered: 07/11/2011)
07/14/2011	<u>59</u>	AFFIDAVIT of Service re: Plaintiffs' <u>58</u> Reply Memorandum in Opposition, served upon Defendants on 6/30/2011; filed by <i>pro se</i> Ramon Quiroz, dated 7/1/2011. (Latka-Mucha, Wieslawa) (Entered: 07/22/2011)
08/05/2011	<u>60</u>	ORDER ADOPTING <u>50</u> REPORT AND RECOMMENDATIONS as to <u>34</u> Motion to Dismiss & <u>40</u> Motion to Dismiss. For the reasons set forth in the attached Order, Judge Azrack's well-reasoned and thorough Report & Recommendation is incorporated by reference and adopted in its entirety as the opinion of the court, and plaintiffs' objections are overruled. The Bank Defendants' and the Baum Firm's motions to dismiss are granted in their entirety and plaintiffs' complaint is dismissed with prejudice. The Bank Defendants shall serve a copy of this Order on plaintiffs and file a Certificate of Service on the electronic docket by no later than August 8, 2011. The Clerk of the Court is respectfully requested to enter judgment in accordance with this Order and to close this case. Ordered by Judge Kiyo A. Matsumoto on 8/5/2011. (Iguina, Carmen) (Entered: 08/05/2011)

08/08/2011	<u>61</u>	CERTIFICATE OF SERVICE by GMAC Mortgages, Homecomings Financial, U.S. Bank National Association re <u>60</u> Order Adopting Report and Recommendations, Order on Motion to Dismiss,, Order on Report and Recommendations,,,,,,,,, served by first class mail on parties on August 8, 2011 (Guttmann, Robert) (Entered: 08/08/2011)
08/09/2011	<u>62</u>	CLERK'S JUDGMENT: Ordered and Adjudged that the Report and Recommendation of Magistrate Judge Joan M. Azrack is adopted in its entirety; that the Bank Defendants' and the Baum Firm's motions to dismiss are granted in their entirety; and that plaintiff's complaint is dismissed with prejudice. Ordered by Robert C. Heinemann, Clerk of Court, on 8/8/2011. C/M. (Brucella, Michelle) (Entered: 08/09/2011)
09/08/2011	<u>63</u>	NOTICE OF APPEAL as to <u>60</u> Order Adopting Report and Recommendations, Order on Motion to Dismiss,, Order on Report and Recommendations, <u>62</u> Clerk's Judgment by Helen Quiroz, Jessica Angel Quiroz, Ramon Quiroz. NO FEE PAID. Plaintiff advised of Fee via telephone. NOA served by the Clerk. (Gonzalez, Mary) (Entered: 09/09/2011)
09/09/2011		Electronic Index to Record on Appeal sent to US Court of Appeals <u>63</u> Notice of Appeal. Please Note: All of the Documents are filed ECF. (Gonzalez, Mary) (Entered: 09/09/2011)
10/12/2011	<u>64</u>	USCA Appeal Fees received \$ 455 receipt number 4653034965 re <u>63</u> Notice of Appeal, filed by Jessica Angel Quiroz, Ramon Quiroz, Helen Quiroz (Gonzalez, Mary) (Entered: 10/12/2011)
10/12/2011		First Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>64</u> USCA Appeal Fees (Gonzalez, Mary) (Entered: 10/12/2011)
04/25/2013	<u>65</u>	ORDER of USCA as to <u>63</u> Notice of Appeal, filed by Jessica Angel Quiroz, Ramon Quiroz, Helen Quiroz. It is hereby ORDERED that: (1) the Appellants motion for summary judgment is CONSTRUED as a motion for summary reversal of the district courts August 9, 2011 judgment dismissing the Appellants complaint; (2) as so construed, decision on the motion is DEFERRED pending the lifting or termination of the automatic stay. (3) the Appellants motion to lift the automatic stay is denied. The decision to lift the automatic stay is left to the sound discretion of the bankruptcy court. Finally, we note that Appellant Ramon Quiroz has informed this Court that Appellant Helen Quiroz has died. The Appellants are ORDERED to file, within 30 days of the date that Homecomings and GMAC notify this Court that the automatic stay has been lifted or terminated, affidavits or affirmations stating: (1) whether Appellant Helen Quiroz has a personal representative suitable for substitution pursuant to Federal Rule of Appellate Procedure 43(a); and (2) the age of Appellant Jessica Angel Quiroz at the time that the September 8, 2011 notice of appeal was filed.SEE DOCUMENT FOR FURTHER DETAILS. Certified copy issued: 4/25/13. (McGee, Mary Ann) (Entered: 04/25/2013)
04/14/2014	<u>66</u>	MANDATE of USCA as to <u>63</u> Notice of Appeal, filed by Jessica Angel Quiroz, Ramon Quiroz, Helen Quiroz. It is Ordered that the appeal is dismissed. See document for further details. Issued as Mandate: 4/14/14. (McGee, Mary Ann) (Entered: 04/14/2014)